

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

Wilson Wolf Manufacturing  
Corporation and John R. Wolf,

Civil No. 13-210 (DWF/TNL)

Plaintiff,

v.

**ORDER REGARDING  
BENCH TRIAL DEADLINES  
NOVEMBER 7, 2022**

Corning Incorporated,

Defendant.

The Court's Notice for Assignment of Case for Jury Trial November 7, 2022, filed on April 6, 2022, (Doc. No. [659]) originally set this matter as a jury trial. On June 28, 2022, the Court's Memorandum Opinion and Order was entered striking Plaintiff's motion for jury trial (Doc. No. [781]) and setting this matter to proceed as a bench trial. The pretrial conference was held on June 28, 2022, and the Court's Pretrial Order Regarding Motions in Limine was entered on July 21, 2022, (Doc. No. [839]). Based on the Court's ruling and upon on all of the pleadings, files, and proceedings herein, **IT IS HEREBY ORDERED** that:

1. The Court's Trial Management Order (Doc. No. [659]) is amended accordingly as indicated below to reflect the deadlines for a bench trial.

Documents to be Submitted for Trial

Unless otherwise ordered, counsel shall deliver two courtesy copies of the following documents marked to the attention of the Court's chambers and delivered to the Warren E. Burger Federal Building and United States Courthouse, Suite 100, St. Paul,

Minnesota 55101 by **October 27, 2022**. (**Please Note:** all courtesy copies should be three-hole punched. Documents to be e-mailed to chambers should be sent in Microsoft Office Word 2010 format to Frank\_Chambers@mnd.uscourts.gov. See page 1 for details regarding exhibit submissions.)

1. Documents Required:

Document	E-file	E-mail	No Later Than
A. <b>Statement of the Case.</b> A statement of the case indicating the facts which the party intends to prove and indicating any unresolved substantive, evidentiary and procedural issues. The statement shall include the citation and discussion of authority upon which the party relies for its positions on the unresolved issues.	X	X	10/27/2022
B. <b>Exhibit List.</b> If exhibits are to be offered at trial, the following procedure must be followed: (i) Mark all exhibits for identification. All exhibits shall be marked, as much as possible, in the sequence they will be offered, with Arabic numbers. Each exhibit should also be marked with the case number. Example: Pltf. or Deft. #1 Civ. 04-397 (Multiple parties list name, <i>e.g.</i> , Pltf. <u>Smith</u> #1)  (ii) Counsel shall make available for examination and, if requested, copying by all counsel, all exhibits which will be offered into evidence at trial. Only exhibits so made available shall be offered into evidence at trial, except for good cause shown.	X	X	10/27/2022

Document	E-file	E-mail	No Later Than
(iii) Submit a list of exhibits that will be presented at trial on behalf of their client(s). The list shall indicate the exhibits the parties agree are admissible. For the exhibits not so agreed upon, the list shall include the grounds for objection. Only exhibits so listed shall be offered into evidence at trial, except for good cause shown.	X	X	10/27/2022
C. <b>Witness List.</b> The list shall include the names and addresses of the witnesses, along with a short statement of the substance of the expected testimony of each witness. Only witnesses so listed shall be permitted to testify except for good cause shown.	X	X	10/27/2022
D. <b>List of Deposition Testimony.</b> (i) List of deposition testimony to be offered into evidence in lieu of live testimony. The list shall designate those specific parts of depositions to be offered at trial. Only depositions so listed shall be offered into evidence at trial except for good cause shown.	X	X	10/27/2022
(ii) Any party who wishes to object to listed deposition testimony shall submit objections.	X	X	11/01/2022

2. Additional Documents: Counsel shall submit the following documents in addition to those listed above:

Document	E-file	E-mail	No Later Than
<p>A. <b>PROPOSED Findings of Fact and Conclusions of Law.</b></p> <p>In all non-jury trials, counsel shall submit proposed findings of fact and conclusions of law in addition to the documents listed in section 1, above.</p>	X	X	10/27/2022

3. Trial Exhibits: No later than two business days before trial, Counsel shall provide to the Court one paper copy and one electronic copy of trial exhibits. The paper copy should be tabbed for easy identification, and if voluminous, placed in labeled three-ring notebooks. Additionally, the parties may wish to consider organizing the paper copy by witness; this is generally helpful in trials with voluminous exhibits. (\*\*\*)See page 1 regarding Courtesy copy requirements). Within seven (7) days of the conclusion of the trial, the parties are directed to provide to Chambers and the Court's Court Reporter a consolidated electronic courtesy copy version of all admitted trial exhibits.

4. Counsel for all parties are strongly encouraged to meet prior to trial to:

- a. Stipulate to all uncontested facts and matters not in controversy.
- b. Stipulate to which exhibits may be received without objection prior to trial.
- c. Discuss settlement.

Failure to Comply

The failure of any party to comply with the procedures outlined herein shall result in the imposition of an appropriate sanction.

Questions regarding the calendar may be directed to Lori Sampson, Calendar Clerk to Judge Frank, 724 Warren E. Burger Federal Building and United States Courthouse, 316 North Robert Street, St. Paul, Minnesota 55101, (651) 848-1296.

**UNDER THE SPEEDY TRIAL ACT, THE TRIAL OF CRIMINAL CASES MAY BE REQUIRED TO TAKE PRECEDENCE OVER THE TRIALS OF CIVIL CASES.**

Dated: October 13, 2022

s/Donovan W. Frank  
DONOVAN W. FRANK  
United States District Judge